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TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE
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UNCLAS SECTION 01 OF 03 STATE 117242

FOR DCM, PO AND AO FROM HR/CDA; INFORM CONSULS

E.O. 12958: N/A

TAGS: APER AMGT ODIP

SUBJECT: USAGE OF DIPLOMATIC AND CONSULAR TITLES

REF: 94 STATE 32843; 3 FAH-1 H-2430

STATE 00117242 001.2 OF 003

¶1. SUMMARY: This message replaces 94 State 32843 (reftel). As certain U.S. Government agencies increase their personnel overseas, there is a tendency to confuse official duties with a need for diplomatic titles. The need for a diplomatic title is often unnecessary and at times not permissible, and, in accordance with our interpretation of international agreements and our application of internal regulations, not all U.S. Government officials abroad can be accredited as diplomatic or consular officers. In order to help prevent inappropriately giving diplomatic and consular titles at our overseas missions, we offer the following information that we hope will help clarify some of the misconceptions that are apparent in requests being received by the Department for diplomatic and consular titles. END SUMMARY.

¶2. Titles are authorized in conformity with law, Department of State regulation (3 FAH-1 H-2430), international practice (e.g. some countries do not accept assistant attach as a diplomatic title), the practices followed by our Office of Protocol, the Department of State/American Foreign Service Association (AFSA) Agreement on diplomatic titles, agreements (formal and informal) with other U.S. Government agencies, and normal correlation of titles with personal grade and position. The regulations apply to all members of the Foreign Service, which include the other foreign affairs agencies (AID, Commerce/FCS, Agriculture/FAS, and IBB.)

¶3. Although there may sometimes be an appearance of inconsistency concerning the granting of titles to personnel overseas, the general rules are clear and we do our best to adhere to them. The title regulations rest on the following principles: (A) the position must be under Chief of Mission (COM) authority; (B) the incumbent must be assigned to and working out of the embassy or consular post (actual office space) or an official annex; (C) there is a clear work-related justification for the title supported by specific examples of inability to perform essential duties without such a title.

¶4. Commissioned Foreign Service officers who are appointed by the President and confirmed by the Senate, generally receive titles because they are usually assigned to positions which have been determined to require such titles for performance of duties. However, simply because one is commissioned does not automatically mean a title will be authorized. There are instances, particularly in the management area, where titles are not required and are not authorized.

¶5. Posts should ensure that telegrams on title and rank

matters are slugged for HR/CDA/SL/PAS/TR. Messages not correctly slugged result in the message not being received in that office or routed in a roundabout manner that delays a response.

¶6. All titles for individuals, regardless of their parent agency, assigned to posts abroad must be authorized by the Bureau of Human Resources of the Department of State (HR/CDA/PAS/TR) in advance of their use. Transmittals from individual agencies regarding personnel assignments cannot be used for title purposes. Personnel should not be accredited with diplomatic titles to the host government until notification has been received from the Department as follows:

(A) State Department Personnel: The travel orders (TM4) will reflect the diplomatic and/or consular title authorized for usage. If an individual is pending commissioning, the title authorized cannot be declared to the host government Foreign Office until the President has attested the commission. The length of time it takes for the commissioning process to be completed is controlled by the Congress and the President. Posts will be notified by an ALDAC cable when the process is completed.

(B) Foreign Affairs Agency Personnel (AID, Commerce/FCS, and Agriculture/FAS, IBB) will submit a DS 1474 request prepared by their Washington office to HR/CDA/SL/PAS/TR for consideration. If a title is approved, the Department will send a cable Authorization of Title Notification to the post indicating the title that has been authorized and the effective date. The Department neither controls the assignment of personnel from the other Foreign Affairs agencies nor the timing of the preparation and submission of the DS-1474 request to HR/CDA/SL/PAS/TR by the parent agency. Posts should remind the agencies represented at post to request submission of this form from their Washington Office when an assignment has been confirmed. This will assure that the title, if required, will have been issued by the time the person arrives to assume his/her duties.

(C) Titles for personnel of other U.S. Government non-foreign affairs agencies (DEA, INS, IRS, Customs, etc.) and military attaches are authorized by State telegram sent to the post. Again, notification will depend on when the agency submits their memorandum request to State.

¶7. Titles, diplomatic and consular, for all personnel are authorized for use only in the position for which approved at the current post of assignment. Titles are not retained by the officer when transferred from the position or the post. Each time an officer is assigned to a new post, or reassigned at post, a title or titles must be approved by the Department. If a commissioned officer who is to perform consular services is sent on TDY to another consular district, the Department must be notified and a consular title requested for the TDY period.

¶8. Members of the Senior Foreign Service of all foreign affairs agencies are to use only the diplomatic title authorized by the Department and are not to use their personal rank (i.e. Career Minister, Minister-Counselor, or Counselor).

¶9. When personnel are assigned as replacements for others, the replacement might not receive a title. (Example: When a title has been restricted to the current incumbent due to extraordinary circumstances and is not to extend to his or her successor.) Also, if a title should be granted, it may not necessarily be the same title authorized for the predecessor because titles are granted according to an individual's personal grade and whether or not he or she is a commissioned officer. An officer may have a first, second, or third secretary

title and his or her non-commissioned replacement would be authorized the title of attach or assistant attach. Or, an officer who is head of section may be authorized the title of counselor and his or her replacement the title of first secretary if the replacement does not have the personal rank of FS-01. If the replacement is not a commissioned officer, he/she would only be authorized the title of attach.

¶10. All personnel are to use only the title which is authorized by the Department. We note from diplomatic lists that some individuals are shown as having titles that were not authorized by the Department and other individuals are shown with different titles than those authorized. NOTE: Section 302 (B) of the Foreign Service Act of 1980 limits the title of Minister to a six month appointment only so that title is not authorized and should not be used for regular assignments.

¶11. Our Office of Protocol will not accept administrative and technical support personnel (i.e. office managers, most communications personnel, etc.) of foreign missions in Washington in diplomatic status. Therefore, any exceptions made for our support staff overseas could result in the host government requesting reciprocal recognition for their personnel in Washington, which the Office of Protocol will not grant based on concerns about the number of diplomatic personnel with immunities in the United States. Posts should note, however, that the Department's Office of Foreign Missions extends tax exemption and duty free import privileges to foreign administrative and technical (A&T) staff in the United States on a reciprocal basis. Posts should ensure that OFM is aware of any disparities between the extension of tax or duty-free import privileges for A&T staff and those granted to its diplomatic agents.

¶12. Diplomatic titles are not granted to individuals when they are either serving in a temporary capacity in a position at post or assigned to post on a TDY basis. Exceptions can be made for long-term TDY personnel who will be at post for longer than 90 days if a title is warranted and justified. Requests for exceptions should be sent to the title and rank office in the Department for review in accordance with the criteria set forth in 2 FAM 221.2.

¶13. Titles are authorized based on a clear and convincing need for the title in order to perform one's official duties and not only for privileges. If personnel believe they are not receiving all of the privileges they are entitled to under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, this should be brought to the attention of the Department's Office of Foreign Missions and the Office of the Legal Adviser, Diplomatic Law and Litigation (L/DL).

¶14. The fact that an individual held a diplomatic title or a consular title at a previous post is not justification for requesting or receiving the same title, or any title, for subsequent assignments.

¶15. The possession of a diplomatic passport is not justification for requesting or receiving a diplomatic or a consular title.

¶16. As noted in paragraph 14, diplomatic title is valid only at the post of assignment. Regional officers should be accredited in accordance with the procedures for multiple accreditation as explained in 85 State ¶316114. The title and rank office can provide a copy upon request. If posts encounter problems from host governments concerning requests for multiple accreditation, they should direct questions to the Office of the Legal Adviser, Diplomatic Law and

Litigation (L/DL).

¶17. Consular titles are authorized only to personnel who are assigned to and physically reside at an established consular post and have the necessary training and commissioning. Because of the legal authority, duties and technical responsibilities attendant on a consular officer, the Department has assured the Congress in its oversight role that only persons meeting the criteria above will be authorized full consular authority. Exceptions to this rule must be of a compelling nature. Consular titles, much more than diplomatic titles, carry authority to perform specific legal acts and functions. These include: issuance of visas, notarizing documents, and making determinations related to U.S. Citizenship. Whether or not the individual is actually performing these functions, the granting of a consular title implies competence to carry them out.

¶18. Under the Foreign Service Act of 1980, Civil Service employees (GS or SES) of U.S. Government non-foreign affairs agencies can receive only non-commissioned diplomatic titles (attache or assistant attach) when assigned to a diplomatic mission. If they are assigned to a consular post, they cannot receive either a diplomatic or a consular title.

¶19. We hope this telegram will be read carefully by all concerned, including personnel of all Foreign Affairs agencies and other U.S. Government agencies at post. We suggest that it be permanently retained in the post's files for future reference. Should there be any further questions or clarification needed on this subject, please send your message to the attention of HR/CDA/SL/PAS/TR at AlbaJG@State.gov.

¶20. Minimize Considered.

CLINTON